

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of March 7, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, each of the claims was rejected. Specifically, Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2003/0225600 to Slivka, *et al.* (hereinafter Slivka).

Applicants have amended independent Claims 1, 8, and 15 to further emphasize certain aspects of the invention. Additionally, Applicants have amended dependent Claims 2 and 9. The amendments, as discussed in the following section, are fully supported throughout the Specification. No new matter has been introduced by virtue of the claim amendments.

### **Aspects Of The Invention**

Prior to addressing the cited reference, it may be useful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by amended Claim 1, is a method for re-booking an airline passenger when an airline cancels the passenger's flight.

The method can include obtaining passenger data for the passenger. The passenger data, more particularly, can comprise a passenger re-booking cost, which includes the cost to the airline of offering to re-book the passenger on an alternative flight offered by a different airline. (See, e.g., Specification, paragraph [0018]; see also paragraph [0017].)

The method further can include determining an accommodation cost. Such a cost can include hotel and meal charges that would be incurred to accommodate the

passenger, through a hotel stay, until another flight offered by the airlines is available. (See, e.g., Specification, paragraph [0018].) Accordingly, the airlines can decide to offer such an option if the accommodation cost is less than the re-booking cost. (See, e.g., Specification, paragraph [0017].)

Additionally, the method can include comparing the passenger data for the passenger with at least one rule. Moreover, according to the method, if the re-booking cost is less than the accommodation cost, a plurality of alternative re-booking flights can be offered to the passenger based upon the comparison. (See, e.g., Specification, paragraph [0017], particularly lines 5-8, describing that a passenger is "offered" multiple "re-booking flights"; see also paragraph [0026].)

### **The Claims Define Over The Cited Reference**

As already noted, independent Claims 1, 8, and 15 were each rejected as being anticipated by Slivka. Slivka is directed to a system and method to "re-accommodate passengers affected by a change in a travel itinerary." (Paragraph [0014], lines 1-5; see also Abstract, lines 4-10.)

Applicants respectfully submit, however, that Slivka fails to expressly or inherently teach every feature recited in Claims 1, 8, and 15, as amended. For example, Slivka speaks only generally to mitigating the costs to an airline forced to cancel a passengers flight. (See paragraph [0015].) Slivka considers only the relative costs of "moving passengers to a different airline or an ancillary travel provider," such as a provider who provides train or bus service. (Paragraph [0015], lines 10-14.) (Emphasis supplied.)

Fundamentally, Slivka fails to weigh the costs of hotel and meals for a passenger who wishes to wait for another flight on the same airline. Accordingly, Slivka fails to teach, expressly or inherently, the step of comparing such accommodation costs with the

cost of re-booking the passenger on a flight offered by a different airline. Slivka thus does not determine which alternative is more cost effective to the airline which has cancelled the flight, either accommodating the passenger at a hotel until the airlines has another available flight or offering to re-book the passenger on a flight provided by a different airline.

Slivka does consider hotel costs, along with car rentals, but *not* in the context of mitigating costs to the airline. Rather, Slivka considers such costs in the context of re-routing the passenger via a different mode of travel – that is, through an ancillary "travel service" – and providing the passenger or the passenger's travel agent with the updated itinerary. This is made explicit in the portion of the reference in which Slivka discusses providing an "alternative itinerary" to a passenger:

"As described, methods, systems, and articles of manufacture consistent with features of the present invention allow a disrupted passenger to be rebooked on alternative itineraries when a travel disruption occurs. The features and principles consistent with the present invention may be implemented with non-airline travel suppliers, such as hotels, and car rental businesses. For example, when computer 102 determines rebooking information, the non-airline travel suppliers may also be notified of the changes to a disrupted passenger's itinerary. This may allow these suppliers to adjust their schedules and itineraries to compensate for the disruption. Thus, an itinerary associated with a packaged tour that may include a disrupted airline flight segment, hotel segment, and a cruise segment, may be adjusted by each of the suppliers based on rebooking notifications provided by computer 102. Therefore, methods, systems, and articles of manufacture consistent with certain principles related to the present

invention provide a customer service that can be extended to a publish and subscribe system (i.e., computer 102) to any travel supplier who participates within a multi-supplier network. For example, if multiple services such as air, car rental, hotel, tour, etc. are booked within the individual travel supplier's computer database, but a record of a total trip for a passenger is stored and/or managed within a central database, then, any disruption can initiate re-accommodation of not just the disrupted service, but also ancillary services within the customer's entire trip that are affected by the disruption." (Paragraph [0049].)

Slivka's provision of information regarding "alternative itineraries," however, is not related to any type of relative cost assessment for an airline. Specifically, Slivka does not determine accommodation costs, including hotel and meal charges, as recited in amended Claims 1, 8, and 15. It follows that Slivka does not then determine whether accommodating the passenger until another flight offered by the airlines is available is more costly to the airline than simply re-booking the passenger on a different airline. It further follows, therefore, that Slivka does not teach offering accommodations to the passenger if the accommodation cost is less than the re-booking cost, as also recited in amended Claims 1, 8, and 15.

Therefore, Slivka also does not teach offering a plurality of alternative re-booking flights to a passenger only if the re-booking cost is less than the accommodation cost, as further recited in Claims 1, 8, and 15, as amended. Indeed, Slivka nowhere describes, explicitly or inherently, offering to a passenger whose flight has been cancelled multiple different re-booking flights. Slivka speaks only to selecting based on other factors which one specific flight or "alternate travel service" for a passenger.

Accordingly, Slivka fails to expressly or inherently teach every feature recited in Claims 1, 8, and 15, as amended. Applicants therefore respectfully submit that, as amended, Claims 1, 8, and 15 define over the prior art. Applicants further respectfully submit that whereas each of the other claims depends from one of Claims 1, 8, or 15 while reciting additional features, the dependent claims likewise define over the prior art.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Date: June 7, 2007